

**ANALYSIS AND FINDINGS FOR
TREE PLAN TWO APPROVAL**

TP2004-0028 Covington Park PUD

Section 40.90.15.2.C. of the Development Code states that in order to approve a Tree Plan Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

Provided below are the staff responses to the Tree Plan Two approval criteria as cited above.

1. *The proposal satisfies the threshold requirements for a Tree Plan Two application.*

Facts and Findings:

Section 40.90.15.1.A *Threshold: An application for Tree Plan Two shall be required when none of the actions listed in Section 40.90.10 apply, none of the thresholds listed in Section 40.90.15.1 apply, and one or more of the following thresholds apply:*

- 1. "Removal of five (5) or more Community Trees within one calendar year period on properties more than one-half acre in size."*

The applicant proposes a Tree Plan Two application as the approximately 1.2 acre site will have more than five (5) Community Trees removed. A *Community Tree* is defined in Chapter 90 of the Development Code as,

"A healthy tree of at least ten inches (10") DBH located on developed, partially developed, or undeveloped land. Community trees are not those trees identified as significant, historic, street, or conditioned trees or trees within a Significant Natural Resource Area."

No historic trees, significant trees or groves, and no trees located in the Significant Natural Resource Area are being proposed to be removed. Therefore, the proposed project meets the threshold criterion for approval.

Staff therefore, find the proposal meets the threshold and the criterion is met.

2. ***All City application fees related to the application under consideration by the decision making authority have been submitted.***

Facts and Findings:

On November 2, 2004, the City of Beaverton received the appropriate fee of \$460.00 application for a Tree Plan Two (TP) application. The proposed TP application is in conjunction with a Conditional Use Final Planned Unit Development (PUD) and Land Division (LD) applications. The PUD application requires a public hearing with the Planning Commission, pursuant to Section 50.15.2 of the Development Code the TP and LD will therefore also be a public hearing before the Planning Commission.

Therefore, staff find that the criterion is met.

3. ***If applicable, pruning of any tree or removal of a landscape, street, or community tree is necessary to enhance the health of the tree, grove, group of trees, or an adjacent tree or to eliminate conflicts with structures or vehicles.***

Facts and Findings:

The applicant does not indicate that pruning would be required as a part of the proposed application. In addition the applicant does not state that community trees are necessary to enhance the health of any tree, grove, group of trees, or adjacent tree. The applicant does state that the removal community trees are required for the successful development of the property. Staff find that the tree removal is necessary to eliminate conflicts with future streets, homes, and utilities and that it does not appear to be a desire to remove the community trees in order to enhance the health of any tree to be retained. The trees proposed to be removed include trees that will conflict with the site's overall grading, street locations, and utility installation.

Therefore, staff find that the criterion is met.

4. ***If applicable, it is necessary to remove diseased of landscape, street, or community trees or trees weakened by age, storm, fire, or other condition.***

Facts and Findings:

The applicant states that the arborist's report lists the condition of all existing trees and most are in "fair" health. However, the applicant does not state that it is necessary to remove diseased Community Trees that have been weakened by age, storm, fire, or other condition. Staff find that this

criterion for approval is not applicable, as the applicant proposes to remove Community Trees to develop the property and not due to the condition of the trees. The *Tree Table* inventory, plan sheet 1, identifies the specific trees, their size, and condition. Trees proposed to be retained are located along the perimeter of the site.

Therefore, staff find that the criterion is not applicable.

5. ***If applicable, pruning of any tree or removal of a landscape, street, or community tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.***

Facts and Findings:

The applicant states this criterion for approval is not applicable, as the applicant proposes to remove all Community Trees to develop the property. Staff concurs with the applicant because all of the Community Trees will be removed from the site area.

Therefore, staff find that the criterion is not applicable.

6. ***If applicable, pruning of any tree or removal of a landscape, street, or community tree is necessary to accommodate development where no reasonable alternative exists for the development at another location on the site, or where variances to setback provisions of this Code will cause other undesirable circumstances on the site or adjacent properties if the tree is saved.***

Facts and Findings:

The applicant states that the arborist's report reflects that the Community Trees are being removed to permit the construction of the proposed development. Staff find that the trees to be removed are located within proposed rights-of-way, driveways, parking areas, utility easements, and building pad locations. Grading of the site is needed for the specific building design and access.

As noted by staff in the findings of the PUD application, a Significant Tree Grove abuts the site on the west and is slightly located on the proposed Covington Park site. In addition trees are located on abutting properties

along the northerly and southerly sides. Staff recommend the Commission adopt a condition of approval of ensuring that tree protection fencing along the limits of the Significant Tree Grove will be established prior to the site work and remain in place until construction is completed. The submitted arborist's report does not identify the need for tree protection in conjunction with the development. However, staff notes that the Tree Protection Standards of Section 60.60.20.1 of the Development Code are applicable and will be enforced as noted in the recommended Tree Plan Conditions.

This proposal meets the City's minimum density requirements for R2 zoning and does not exceed the maximum allowed for the approximately 3.6 acre site. The development meets or exceeds the minimum setback standards for the R2 zoning district. Therefore, staff find that the removal of the community trees is acceptable as the project could not be developed as proposed without the removal of the interior trees. Staff find the proposal meets the criterion for approval.

Therefore, staff find that by meeting the conditions of approval the criterion will be met.

7. ***If applicable, removal of a landscape tree or street tree or pruning of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.***

Facts and Findings:

The applicant states that, in the opinion of the arborist, all existing Community Trees on the site need to be removed to avoid any tree becoming a nuisance. Staff find that this criterion for approval is not applicable, as the applicant proposes to remove Community Trees to develop the property and not due to the condition of the trees or nuisance and damage to public or private property or improvements.

Therefore, staff find that the criterion is not applicable.

8. ***If applicable, removal of landscape, street, or community tree is necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.***

Facts and Findings:

The applicant states that the removal of the Community Trees on the site are due to the necessary for public purpose including the needs for residential housing and the associated infra-structure improvements. Staff find that approximately five (5) trees are proposed for removal within the SW 155th Avenue street right-of-way. Although the full street improvement will not occur with this project due to the extensive costs and nature of the required improvements, these five trees will be removed with the grading and utility improvements in the right-of-way.

Therefore, staff find that the criterion is met.

9. *Removal of a tree or grove shall not increase erosion or any resulting erosion shall be controlled consistent with City and Clean Water Services regulations.*

Facts and Findings:

Through the site development permitting requirements, the applicant will meet all applicable City erosion control measures due to the removal of the Community Trees and site grading. The applicant's narrative acknowledges that the submitted plans are in compliance with the erosion control standards of the City and Clean Water Services.

Therefore, staff find that the criterion is met.

10. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

Facts and Findings:

The applicant has submitted the required application materials for review of a Tree Plan Two application. This review process is a required step to receive City approval for the applicant's proposal. The developer has submitted two (2) additional applications including, a Conditional Use-Final Planned Unit Development (CU2004-0024) and a Land Division-Preliminary Subdivision (LD2004-0046). These applications are being reviewed concurrently with the Tree Plan application. The Commission will review all three (3) applications at one public hearing. Approval of the Tree Plan is required in order for the PUD and Land Division to ultimately be approved.

SUMMARY OF FINDINGS: For the reasons identified above, staff find that the applicant's Tree Plan proposal satisfies the approval criteria for a Tree Plan Two approval pursuant to Section 40.90.15.2.C of the Development Code and is also subject to Facilities Review Section 40.03 and its conditions of approval.

TREE PLAN CONCLUSION

Based on the facts and findings presented, staff conclude the proposal, **TP2004-0028 (Covington Park PUD)** meets the criteria for approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommend **APPROVAL** of **TP2004-0028 (Covington Park)**, subject to the conditions of approval identified in the Conditions of Approval, Attachment E.